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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

OSTERHOFF et al.

Serial No. 09/731,657

Filed: March 12, 2001

For: EPIDIDYMIS-SPECIFIC RECEPTOR PROTEIN

Atty. Ref.: 35-196

Group: 1646

Examiner: Ulm

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Assistant Commissioner for Patents
Washington, DC 20231

May 13, 2002

Sir:

RESPONSE

In response to the Office Action dated March 13, 2002 Applicant elects, with traverse, the subject matter of the Examiner's Group I.

Reconsideration and withdrawal of the restriction requirement are requested as a search of all the claimed subject matter would not be undue burden on the Examiner.

Moreover the Examiner states the methods of Groups IV (claims 23-25; methods of isolating a ligand) and VII (claim 30; method of diagnosing comprising measuring antibodies) are materially different in their use of the receptor protein of Group I. As each of these methods may include, for example, an immunoadsorbent assay, the Examiner's restriction requirement is not appropriate. The Examiner also asserts that the inventions of Groups V (claims 26 and 28; methods of treatment by administering an agonist) and VI (claims 27 and 29; methods of isolating a ligand) are unrelated to one another or to any of the inventions of Groups I-VI and VII. The applicants respectfully submit, however, that claims 26 and 28 (Group V) may include methods of using an antibody of Group III and claims 27 and 29 (Group VI) may include methods of using a receptor protein of Group V. The restriction requirement should be withdrawn.

In the event the restriction requirement is maintained, rejoinder of at least claims 23 to 25, directed to a binding assay is requested once allowable product claims are identified. The Examiner is also requested to allow the applicants an opportunity to amend the method claims, to expedite rejoinder and allowance of the same, once

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allowable product claims are identified. See Notice published at 1184 OG 86, March 26, 1996, and related materials.

Return of an initialed copy of the PTO 1449 Form filed December 8, 2000 is requested, pursuant to MPEP § 609.

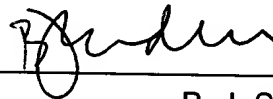
An early and favorable Action on the merits of all the claimed subject matter is requested.

Should the Examiner feel that an interview with the undersigned would facilitate allowance of this application, the Examiner is encouraged to contact the undersigned.

Respectfully submitted,

NIXON & VANDERHYE P.C.

By:



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BJS:bjs

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